

FILED

APR - 4 2008

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
PECOS DIVISIONCLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY *[Signature]* DEPUTY CLERK

WINIFRED WACKMAN, et al. §
Plaintiffs, §
§
v. § P-07-CV-32
§
PATRICIA ANN RUBSAMEN, et al. §
Defendants. §

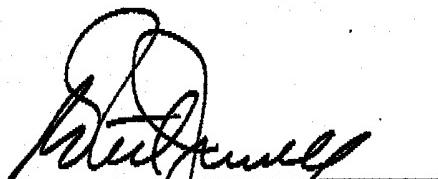
ORDER GRANTING DEFENDANTS' MOTION TO PERMIT DR. SMITH, REV. DR.
BOYD, AND FR. MYRICK TO TESTIFY VIA DEPOSITION

Before the Court are Defendants' Motion to Permit Lon Smith, M.D., the Most Rev. Dr. Jesse Laney Boyd III, and Father Gene Myrick to Testify Via Deposition (Doc. 187), filed on March 26, 2008, and Plaintiffs' Response thereto (Doc. 189), filed on March 27, 2008. On March 31, 2008, the Court conducted a hearing in which it considered the above matters.

The Court finds that there is an agreement among the parties that Dr. Lon Smith, Rev. Dr. Jesse Laney Boyd III, and Fr. Gene Myrick, due to issues of professional obligation or infirmity, are not available to give live testimony at trial. The Court finds that these are sufficient reasons why these witnesses, though they are located within the Western District of Texas, cannot be present to testify. The parties have previously taken deposition testimony of these three witnesses. The Court GRANTS Defendants' Motion and will allow Dr. Lon Smith, Rev. Dr. Jesse Laney Boyd III, and Fr. Gene Myrick to testify via deposition.

IT IS SO ORDERED.

SIGNED on this 4 day of April, 2008.



ROBERT JUNELL
United States District Judge
Western District of Texas